

Appl. No. 09/889,086
Amdt. Dated June 21, 2006
Reply to Office action of April 7, 2006

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action; and applicants request that the application be favorably reconsidered in view of the remarks made herein.

Claims 11-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Mansell et al. (U.S. Patent No. 5,223,844). Claims 11-16 have been canceled herein thereby rendering the present rejection moot. Withdrawal of this rejection is requested.

Claims 1-4 and 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (JP Patent 11-312285, Machine Translation) in view of Tognazzini (U.S. Patent No. 5,914,675) and further in view of Mansell et al. (U.S. Patent No. 5,223,844). Traversal of this rejection is made for at least the following reasons. Neither Yoshida, Tognazzini, nor Mansell, individually or in combination, teach or suggest a system in which a mobile terminal if having finished instructing the first radio communication means to transmit predetermined data to an information service center, the mobile terminal has the second radio communication means transmit data for voice communication to the information service center via the on-vehicle terminal main unit, wherein the predetermined data includes state information, location information, and terminal ID information, as required by independent claim 1. The Examiner relies on hand set 36, radio means 23, and radio means 35 of Yoshida as being equivalent to the claimed mobile terminal, first radio communication means, and second radio communication means respectively. The Examiner further quotes a passage from Yoshida, which states:

1st radio-transmission means by which the aforementioned radio means transmits emergency intelligence to the aforementioned emergency relief center in data communication from the aforementioned vehicles at the time of the occurrence of accident, It is characterized by having at least the 2nd radio-transmission means which makes speech communication possible in the aforementioned emergency relief center from the aforementioned vehicles by automatic change at the time of the data communication end by the radio-transmission means of the above 1st.

However, this passage from Yoshida does not disclose that the hand set 36 instructs the radio means 23 to transmit data to the emergency center. Rather, Yoshida discloses in this passage that a first radio-transmission means 33 of a cell phone unit 32 transmits data to an emergency center via a modem 34. When the first radio-transmission means 33 is done transmitting data, the

Appl. No. 09/889,086
Amdt. Dated June 21, 2006
Reply to Office action of April 7, 2006

system automatically switches to the second radio-transmission means 35, which is connected to the hand set 36, so that a user can start speech communication directly with the emergency center. *No instructions are given from the hand set 36 to the data communication means 33, 34 to transmit data to the emergency center.* The hand set 36 is merely employed to facilitate voice communications directly between a user and the emergency center via the 2nd radio-transmission means 35. In fact, Yoshida explicitly discloses that the communications control means 52 of the emergency relief center 2 detects the end of data transmission and returns a signal (ACK) to the CPU 41 of the vehicle. The CPU 41 then connects the hand set 36 to start speech communication between the crew in the vehicle and the emergency center. See paragraphs [0039]-[0040].

Further, neither Yoshida, Tognazzini, nor Mansell, individually or in combination, teach or suggest that data stored in a data retaining means of a mobile terminal be transmitted to an on-vehicle terminal main unit, which then transmits the data to an information service center, as required by independent claims 1 and 7. The Examiner concedes that the combination of Yoshida and Tognazzini fail to teach this limitation and thus relies on Mansell in an attempt to make up for the deficiencies of Yoshida and Tognazzini. However, as stated above, Mansell does not teach, disclose, or suggest using a portable terminal with the vehicle tracking system. Mansell does disclose that the on-vehicle unit communicates with an emergency center; however there is nothing within Mansell that would have suggested to one skilled in the art to use a portable terminal with the vehicle tracking system and then to have that portable terminal communicate with the emergency center via the on-vehicle unit. Instead, assuming that one skilled in the art would have been motivated by Yoshida and/or Tognazzini to provide a portable terminal to the system of Mansell, it is submitted that the portable terminal would have been configured to communicate directly with the emergency center, as taught by both Yoshida and Tognazzini. It is clear that the Examiner is improperly using the claims of the present application as a roadmap for combining the elements of the cited references.

Because, neither Yoshida, Tognazzini, nor Mansell, individually or in combination, teach or each and every limitation as set forth in claims 1 and 7, the combination of Yoshida, Tognazzini, and Mansell cannot render claims 1 or 7 obvious. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone

Appl. No. 09/889,086
Amdt. Dated June 21, 2006
Reply to Office action of April 7, 2006

interview with the undersigned attorney to expedite prosecution of the present application.
If there are any additional fees resulting from this communication, please charge same to
our Deposit Account No. 16-0820, our Order No. 33791.

Respectfully submitted,
PEARNE & GORDON LLP



Una L. Lauricia, Reg. No. 48,998

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: June 21, 2006